

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

CIVIL NO. 2:01CV19

UNITED STATES *ex rel.*, KAREN
T. WILSON,

Plaintiffs,

Vs.

ORDER

GRAHAM COUNTY SOIL & WATER
CONSERVATION DISTRICT;
GRAHAM COUNTY; CHEROKEE
COUNTY SOIL & WATER
CONSERVATION DISTRICT;
RICHARD GREENE, in his individual
capacity; WILLIAM TIMPSON, in his
individual capacity; KEITH ORR and
GERALD PHILLIPS, in their individual
and official capacities; RAYMOND
WILLIAMS, in his official capacity;
DALE WIGGINS, in his official
capacity; ALLEN DEHART, in his
official capacity; LLOYD MILLSAPS,
in his official capacity; JERRY
WILLIAMS, in his individual capacity;
BILLY BROWN, in his individual
capacity; LYNN CODY, in his official
capacity; BILL TIPTON, in his
official capacity; C.B. NEWTON, in
his official capacity; and EDDIE
WOOD, in his official capacity,

Defendants.

THIS MATTER is before the Court on motion of Defendants Graham County Soil & Water Conservation District, Gerald Phillips, Allen Dehart and Lloyd Millsaps to strike contained within their answer to Plaintiff's Third Amended Complaint filed August 14, 2006.

By Order entered August 14, 2006, the Court found the Third Amended Complaint complied with the Court's Order of July 20, 2006, except as to Sections C and D. The Court struck those sections. The claims alleged in the Third Amended Complaint and the capacities in which the Defendants have been sued are now clearly stated. The Court, therefore, finds the Defendants' motion to strike should be denied as moot.

IT IS, THEREFORE, ORDERED that the Defendants' motion to strike is hereby **DENIED** as moot.

Signed: August 15, 2006



Lacy H. Thornburg
United States District Judge

